

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

TERRY TOM HARDCASTLE,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-05-835-M
)	
RANDALL WORKMAN, <i>et al.</i> ,)	
)	
Defendants.)	

REPORT AND RECOMMENDATION

The present action involves a civil suit brought by Mr. Terry Tom Hardcastle. During the pendency of the action, Mr. Hardcastle died and a fellow inmate filed a suggestion of death. More than 90 days have passed since the filing and service of the suggestion of death, and no one has requested substitution of parties.¹ Accordingly, dismissal is mandatory under Fed. R. Civ. P. 25(a)(1).


The Plaintiff has the right to object to this report and recommendation. *See* 28 U.S.C. § 636(b)(1) (2000). Such objections must be filed with the Court Clerk for the United States District Court. *See Haney v. Addison*, 175 F.3d 1217, 1219-20 (10th Cir. 1999). The deadline for objections is June 29, 2006. *See* W.D. Okla. LCvR 72.1(a). The failure to

¹ The Court lacked information about individuals potentially interested in the outcome. Thus, the Court requested the Assistant Attorney General of Oklahoma to provide the most recent information available for Mr. Hardcastle's relatives. Counsel complied, furnishing addresses for Mr. Hardcastle's son, mother, and wife. The marshals were unable to locate the son after three trips to the address provided. Doc. 25. The wife was deceased. Doc. 24. The marshals personally served the mother on March 8, 2006 (Doc. 23), but she has not moved for substitution in the 92 days that have passed.

timely object to this report and recommendation would waive the Plaintiff's right to appellate review of the suggested ruling. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

The referral to the undersigned is terminated.

Entered this 8th day of June, 2006.



Robert E. Bacharach
United States Magistrate Judge